

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 14-1208V

Filed: May 29, 2015

Unpublished

MICHAEL LERG,

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Petitioner,

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v.

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Ruling on Entitlement; Concession;
Meningococcal Vaccine; Shoulder Injury
Related to Vaccine Administration;
SIRVA; Special Processing Unit ("SPU")

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SECRETARY OF HEALTH
AND HUMAN SERVICES,

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Respondent.

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Maximillian J. Muller, Esq., Muller Brazil, LLP, Philadelphia, PA, for petitioner.

Christine Becer, Esq., U.S. Department of Justice, Washington, DC for respondent.

RULING ON ENTITLEMENT¹

Vowell, Chief Special Master:

On December 16, 2014, Michael Lerg filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,² [the "Vaccine Act" or "Program"]. Petitioner alleged that he suffered a shoulder injury which was caused by the meningococcal vaccine he received on May 6, 2014. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On May 29, 2015, respondent filed her Rule 4(c) report in which she indicates that she "has determined that petitioner's alleged injury is consistent with a shoulder injury related to vaccine administration (SIRVA) and recommends that compensation be awarded in this case." Respondent's Rule 4(c) Report at 1. Respondent further agrees that petitioner's injury lasted for more than six months and, "that petitioner's injury is not due to factors unrelated to the administration of the meningococcal vaccine." *Id.* at 3.

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, I intend to post it on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all "§" references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2006).

In view of respondent's concession and the evidence before me, I find that petitioner is entitled to compensation.

s/Denise K. Vowell

Denise K. Vowell
Chief Special Master